

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00014-01

TABATHA DEEVERS

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of defendant for a continuance of the trial in this matter. (ECF No. 101.) In support of defendant's motion, counsel for defendant explains that the defendant and the government have been actively involved in plea agreement negotiations. Counsel further indicates that developments this week have affected the plea negotiations. Due to the complexity of the charges and recent developments counsel and the defendant believe that more time is necessary to fully consider the defendant's position. The government does not oppose a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time

necessary for effective preparation, taking into account the exercise of due diligence.” Id. § 3161(h)(7)(B)(iv).

Accordingly, the court hereby **ORDERS** as follows¹:

1. Jury Instructions and Proposed Voir Dire are due by November 7, 2023;
2. Trial of this action is continued to November 14, 2023, at 9:30 a.m. in Bluefield; and
3. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 29th day of September, 2023.

ENTER:



David A. Faber

Senior United States District Judge

¹ As no motion for severance has been granted, these new dates (and the court’s findings regarding excludable time under the Speedy Trial Act) apply to defendants Amy Deavers and Brittany King as well.